

PS 8
(Rev. 2/2013)

**United States District Court
For The
District of North Dakota**

Petition for Action on Conditions of Pretrial Release

United States of America)

)

vs.

) Docket No.: 0868 1:17CR00226-1

)

Mychal Jesse Mann)

COMES NOW, BOBBY WISEMAN, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant, Mychal Jesse Mann who was placed under pretrial release supervision by the Honorable Charles S. Miller Jr., Magistrate Judge, sitting in the Court at Bismarck, on October 26, 2017, under the following conditions:

1. Defendant shall not violate federal, state, tribal, or local law while on release.
2. Defendant must appear in court as required and must surrender to serve any sentence imposed.
3. Defendant shall report to the Pretrial Services Officer at such times and in such manner as designated by the Officer.
4. Defendant shall refrain from: any use of alcohol; any use or possession of a narcotic drug and other controlled substances defined 21 USC 802 or state statute, unless prescribed by a licensed medical practitioner; and any use of inhalants. Defendant shall submit to drug/alcohol screening at the direction of the Pretrial Services Officer to verify compliance. Failure or refusal to submit to testing or tampering with the collection process or specimen may be considered the same as a positive test result.
5. Defendant shall submit her person, residence, vehicle, and/or possessions to a search conducted by the Pretrial Services Officer at the request the request of the Pretrial Services Officer. Failure to submit to a search may be grounds for revocation of pretrial release. Defendant shall notify any other residents that the premises may be subject to searches pursuant to this condition.
6. Defendant shall not possess a firearm, destructive device, or other dangerous weapon.
7. Defendant shall not knowingly or intentionally have any direct or indirect contact with the alleged victim in this matter.

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8. If the Defendant is not admitted into the New Freedom Center program, he shall return to custody at the McLean County Detention Center no later than 5:00 p.m. on October 26, 2017. Defendant shall immediately contact the Pretrial Services Officer if the Defendant is admitted into the treatment program.

In the event the Defendant is admitted into the New Freedom Center's inpatient treatment program, his release shall be subject to the following conditions.

9. Defendant shall abide by conditions 1-7 detailed above.
10. Defendant shall reside at the New Freedom Center's facility, attend and participate in the center's inpatient drug treatment program, and comply with all the rules and regulations imposed by the program and/or its employees, and the facility where he is residing.
11. Defendant shall sign all releases of information requested by the Pretrial Services Officer to monitor her progress and participation in the New Freedom Center treatment program.
12. At least four days before completion of, or upon termination from, the inpatient treatment program, Defendant shall contact the Pretrial Services Officer to discuss his living arrangements.
13. Upon his discharge from the inpatient treatment program, Defendant shall reside at a residence approved by the Pretrial Services Officer and not change this residence without permission of the Pretrial Services Officer. If the Pretrial Services Officer determines that Defendant is in need of a placement at a residential facility, Defendant shall voluntarily report to the designated facility, comply with the facility's rules and regulations, and participate in all recommended programming. If the Pretrial Services Officer does not approve of Defendant's proposed residence and determines either that the residential facility lacks space for the Defendant or that placement of Defendant at a residential facility is inappropriate, Defendant shall report to the United States Marshal's office in Bismarck with the understanding that he shall be detained pending further order of the court.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

1. On January 30, 2018, the defendant signed an admission form admitting to the use of alcohol on January 25, 2018. This is believed to be in violation of conditions #4, as listed above.
2. On April 6, 2018, the defendant admitted to the undersigned that he consumed alcohol on April 4, 2018, and April 5, 2018. This is believed to be in violation of condition #4, as listed above.

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PRAYING THAT THE COURT WILL ORDER: The defendant's conditions of release be modified to include the following condition:

1. Defendant shall submit to regular electronic alcohol monitoring, which may include a Sobriety breathalyzer, transdermal alcohol sensing bracelet, or other device. Defendant shall review and sign a program agreement provided by the Pretrial Services Office and shall follow the procedures specified by the Pretrial Services Officer. Defendant shall pay all costs associated with the program, unless the Pretrial Services Officer determines the defendant is financially unable to pay.

I declare under penalty of perjury that the foregoing is true and correct.


Respectfully,

/s/ Bobby J Wiseman 04/09/2018
U.S. Pretrial Services Officer
Place: Bismarck

ORDER OF THE COURT

Considered and ordered this 7th day of April, 2018, and ordered filed and made a part of the record in the above case.

- ☐ Warrant to be issued
- ☐ Summons to be issued
- ☐ Notice of hearing to be filed
- ☒ Modification of the defendant's conditions of release
- ☐ Other



Alice R. Senechal
U.S. Magistrate Judge